

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CIV S-05-0550 RRB DAD PS

vs.

STEVEN A. FISCHER,

Defendant.

ORDER

Defendant is proceeding pro se in the above-entitled action. Accordingly, the matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On April 1, 2008, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fifteen days. Defendant has filed timely objections to the findings and recommendations, and plaintiff has filed a reply.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 1, 2008, are adopted in full;
2. Plaintiff's February 26, 2008 motion for summary judgment is granted;
3. Plaintiff is awarded judgment in the amount of \$282,523.83, calculated as

follows:

a. The amount of \$41,051.40 for the balance owed as of March 28, 2008 on defendant's HEAL loans, including all interest accrued through that date and waiving any additional pre-judgment interest that accrues between March 28, 2008 and the entry of judgment;

b. The amount of \$240,993.20 for the balance owed as of February 1, 2008 on defendant's Department of Education/California Student Loan Corporation loans, including all interest accrued through that date and waiving any additional pre-judgment interest that accrues between February 1, 2008 and the entry of judgment;

c. The amount of \$479.23 for United States Marshal's fees for service of process (\$229.23) and the court's filing fee (\$250.00), waiving any other costs and fees; and

4. Plaintiff is awarded post-judgment interest to accrue on the judgment at the legal rate provided by 28 U.S.C. § 1961(a), computed daily and compounded annually until paid as provided by § 1961(b).

DATED: June 13, 2008

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE